

JFW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 2602
Yukie SHODA et al. : Docket No. 2000-1191A
Serial No. 09/652,147 : Group Art Unit 2132
Filed August 31, 2000 : Examiner Kyung H. Shin

COPYRIGHTED DATA PROCESSING
METHOD AND APPARATUS

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Responsive to the Office Action dated June 2, 2005, the Applicants respectfully request reconsideration and reexamination of the application in view of the following remarks.

In item 4 on page 3 of the Office Action, claims 1-2, 11-17, 19, 20 and 29-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gregg et al. (U.S. 6,516,416) in view of Levine et al. (U.S. 5,726,883). This rejection is respectfully traversed.

The present invention provides a data processing apparatus, a data processing method, and a program for causing a computer to execute the data processing method in which a stored process right for copyright-protected data specifies a number of executions, and a display unit is operable to display on the screen as many icons as the number of executions specified by the process right. Accordingly, the data processing apparatus and method of the present invention present a user with as many icons as the number of executions of the copyrighted data which the user can execute. Therefore, the user can easily recognize the number of executions which are executable for the copyright protected data.

Claim 1 recites a data processing apparatus which is operable to execute a process on copyrighted data within an obtained right. The data processing apparatus of amended claim 1 comprises, in part, a control unit which is operable to determine, based on a process right stored in a right information storage unit, whether an instruction is to be executed or not, and a display unit which is operable to display the process right stored in the right information storage unit on a screen. Claim 1 defines that the process right stored in the right information storage unit specifies a number of executions, and that the display unit is operable to display on the screen as many icons as the number of executions specified by the process right.

Claim 19 recites a data processing apparatus for executing a process on copyrighted data within an obtained right. The data processing apparatus of claim 19 comprises, in part, control means for determining, based on a process right stored in a right information storage means, whether the instruction is to be executed or not, and display means for displaying the process right stored in the right information storage means on a screen. Claim 19 defines that the process right stored in the right information storage unit specifies a number of executions, and that the display means displays on the screen as many icons as the number of executions specified by the process right.

Claim 16 recites a data processing method for executing a process on copyrighted data within an obtained right, and claim 17 recites a recording medium having a program recorded thereon for executing, on a computer, a data processing method which is identical to the data processing method of claim 16. The data processing method as recited in claims 16 and 17 comprises, in part, determining, based on a stored process right, whether an instruction is to be executed or not, and displaying the stored process right on a screen. As defined in claims 16 and 17, the process right stored in the storing of the process right specifies a number of executions, and the displaying of the process right displays on the screen as many icons as the number of executions specified by the process right.

Gregg et al. discloses a system and method for controlling access to computer resources using an untrusted network, and a process which is performed by a user for accessing copyrighted contents. Gregg et al. discloses that whether or not the user is able to execute a process for the contents is determined based on the copyright level that is

assigned to each content and that there may be different levels of copyright protection for the contents. In the system of Gregg et al., it is determined whether or not a process of any one of or a combination of print, save and cut/copy/paste is executable for the contents based on the copyright protection level (see Column 20, lines 4-11).

However, Gregg et al., in Column 20, lines 4-11, merely defines whether or not the user is able to execute a process for the contents. Gregg et al., however, does not disclose or suggest a process or system for determining whether or not the level of copyright protection that is assigned to each content limits the number of executions of the copyright protected content. Thus, the system disclosed in Gregg et al. is different from the apparatus and method of claims 1, 16-17 and 19 in which the number of process executions is specified. That is, the system disclosed in Gregg et al. is not a system in which as many icons as the number of executions specified by the process right are displayed on a screen and which can be realized only when the process right specifies the number of executions.

Therefore, the system of Gregg et al. clearly does not disclose or suggest that the process right stored in the right information storage unit (right information storage means) specifies a number of executions, and that the display unit (display means) is operable to display on the screen as many icons as the number of executions specified by the process right, as recited in claims 1 and 19.

Similarly, the system of Gregg et al. also clearly does not disclose or suggest that the process right stored in the storing of the process right specifies a number of executions, and that the displaying of the process right displays on the screen as many icons as the number of executions specified by the process right, as recited in claims 16 and 17.

Levine et al. merely discloses a method for customizing control interfaces so as to simplify complex operations for a user or operator. Levine et al., however, does not disclose, suggest or even contemplate that the process right stored in the right information storage unit (right information storage means) specifies a number of executions, and that the display unit (display means) is operable to display on the screen as many icons as the number of executions specified by the process right, as recited in claims 1 and 19.

Similarly, Levin et al. does not disclose, suggest or even contemplate that the process

right stored in the storing of the process right specifies a number of executions, and that the displaying of the process right displays on the screen as many icons as the number of executions specified by the process right, as recited in claims 16 and 17.

Accordingly, neither Gregg et al. nor Levine et al., either individually or in combination, disclose or suggest each and every limitation of claims 1, 16-17 and 19. Therefore, no obvious combination of Gregg et al. and Levine et al. would result in the inventions of claims 1, 16-17 and 19 since Gregg et al. and Levine et al., either individually or in combination, fail to disclose or suggest each and every limitation of claims 1, 16-17 and 19.

Furthermore, the Applicants respectfully submit that it would not have been obvious for one skilled in the art to combine the Gregg et al. and Levine et al. references. The object of Gregg et al. is to provide a system for processing copyrighted contents, whereas the object of Levine et al. is to provide a method for simplifying operations performed by a user or operator. Accordingly, the objects of Gregg et al. and Levine et al. have no similarity such that one skilled in the art would contemplate combining the disclosures of these references to produce a system or method similar to the inventions of claims 1, 16-17 and 19. Furthermore, neither of the specifications of Gregg et al. and Levine et al. provide even a remote suggestion or incentive to combine their respective inventions.

Accordingly, notwithstanding the fact that Gregg et al. and Levine et al. clearly do not disclose or suggest each and every limitation of claims 1, 16-17 and 19, it would not have been obvious to combine and modify Gregg et al. and Levine et al. to arrive at the inventions of claims 1, 16-17 and 19.

Therefore, claims 1, 16-17 and 19 are clearly patentable over Gregg et al. and Levine et al.

In item 5 on page 8 of the Office Action, claims 3-10, 18, 21-28 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Gregg et al. in view of Levine et al. and further in view of England et al. (U.S. 6,330,670).

As demonstrated above, Gregg et al. and Levine et al. fail to disclose or suggest each and every limitation of claims 1, 16-17 and 19.

As demonstrated above, neither Gregg et al. nor Fields et al. disclose or suggest each and every limitation of claims 1, 16-17 and 19. For the following reasons, the Applicants respectfully submit that England et al. clearly does not cure the deficiencies of Gregg et al. and Fields et al. for failing to disclose or suggest each and every limitation of claims 1, 16-17 and 19.

England et al. discloses a digital rights management operating system which protects rights-managed data, such as downloaded content, from being accessed by untrusted programs while the data is loaded into memory or on a page file as a result of the execution of a trusted application that accesses the memory. England et al. discloses that to protect the rights-managed data resident in memory, the digital rights management operating system refuses to load an untrusted program into memory while the trusted application is executing or removes the data from memory before loading the untrusted program. England et al. also discloses that to protect the rights-managed data on the page file, the digital rights management operating system prohibits raw access to the page file, or erases the data from the page file before allowing such access. England et al. also discloses that the digital rights management operating system limits the functions the user can perform on the rights-managed data and the trusted application.

However, similar to Gregg et al. and Fields et al., England et al. clearly does not disclose or suggest that the process right stored in the right information storage unit (right information storage means) specifies a number of executions, and that the display unit (display means) is operable to display on the screen as many icons as the number of executions specified by the process right, as recited in claims 1 and 19.

Similarly, England et al. also clearly does not disclose or suggest that the process right stored in the storing of the process right specifies a number of executions, and that the displaying of the process right displays on the screen as many icons as the number of executions specified by the process right, as recited in claims 16 and 17.

Accordingly, Gregg et al., Fields et al. and England et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 1, 16-17 and 19. Thus, no obvious combination of Gregg et al., Fields et al. and England et al. would result in the inventions of claims 1, 16-17 and 19 since Gregg et al., Fields et al.

and England et al. clearly do not disclose or suggest each and every limitation of claims 1, 16-17 and 19.

Therefore, claims 1, 16-17 and 19 are clearly patentable over Gregg et al., Fields et al. and England et al.

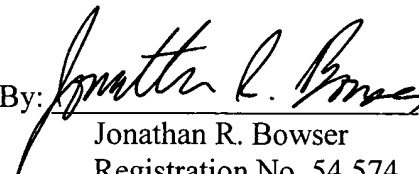
Furthermore, it is submitted that the clear distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Gregg et al., Fields et al. and England et al in such as manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 16-17 and 19. Therefore, it is submitted that the claims 1, 16-17 and 19, as well as claims 2-11, 13-15, 18, 20-29 and 31-34 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

Yukie SHODA et al.

By: 
Jonathan R. Bowser
Registration No. 54,574
Attorney for Applicants

JRB/nrj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
September 2, 2005